

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 CHRISTOPHER M. SCALES,

11 Plaintiff,

12 v.

13 MARY SCOTT,

14 Defendant.
15

CASE NO. C08-5480BHS/JRC

ORDER DENYING
APPOINTMENT OF COUNSEL

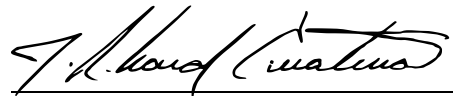
16 This 42 U.S.C. § 1983 action has been referred to the undersigned Magistrate Judge
17 pursuant to 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates Judges' Rules
18 MJR 1, MJR 3, and MJR 4. The matter is before the Court on plaintiff's motion for appointment
19 of counsel (Dkt. # 24).

20 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.
21 Although the court, under 28 U.S.C. § 1915(e) (1), can request counsel to represent a party, the
22 court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331
23 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616
24 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both
25 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro*
26 *se* in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

1 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se* (Dkt # 22).
2 This case is not in a posture where the court can determine the likelihood of success on the
3 merits. Plaintiff's Motion to Appoint Counsel (Dkt. # 24) is **DENIED**.

4 The Clerk's Office is directed to send plaintiff a copy of this order and remove Dkt. # 24
5 from the Court's calendar.
6

7 DATED this 22nd day of May, 2009.

8
9 
10 J. Richard Creatura
11 United States Magistrate Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26